

(Secs. 2-4.)

If any person shall attempt to establish a new market or fair without such license, he shall, on conviction by ^[a] a Magistrate of the first class, ^[a] be subject to a fine not exceeding two hundred rupees; or, in default of payment, to simple imprisonment for any period not exceeding two ^[b] months.

Penalty for attempt to establish without license.

2. When any person desires to establish a new market or fair, he shall make application, in writing, to the Magistrate of the district.

Person desiring to establish to apply to Magistrate

The application shall specify—

Contents of application.

the name of the place at which it is proposed to establish such new market or fair;

the days on which it is to be held;

the name of the place where the nearest existing market or fair is held, and the days on which it is held;

the distance, in English miles, between the two places, and

the reasons of the applicant for desiring to establish the new market or fair.

3. On receipt of the application, the Magistrate shall issue a proclamation stating the desire of the applicant to establish a market or fair at the place named by him and the days on which it is proposed to be held, and calling upon any person who may have any objection to the establishment of the market or fair to state his objection, in writing, within six weeks from the date of the proclamation.

Procedure on application.

The proclamation shall be fixed in a conspicuous place in the village or town in or near to which it is proposed that the new market or fair shall be held, and a copy of the same shall be affixed at the police-station within the jurisdiction of which the village or town is situated, and in the Court of the Magistrate.

Publication of proclamation.

If it shall appear that any existing market or fair is held within a distance of four miles from the place where it is proposed that the new market or fair shall be established, the Magistrate shall cause a notice, to the effect of the proclamation, to be served upon the owner of the land where such existing market or fair is held.

Notice to land-owner of neighbouring market.

The proclamation and notice (if any) shall be issued and served at the expense of the applicant.

4. If, within the time specified in the proclamation and notice (if any), no objection is preferred to the establishment of the proposed market or fair, the Magistrate of the district shall pass an order permitting it to be established.

Order permitting establishment.

[^{a-a}] These words were substituted for the original words by Bom. Act III of 1886.

[^b] The word repealed by Bom. Act III of 1886 is omitted.

Enquiry into
objection.

If within the time specified any objection is preferred, the Magistrate of the district shall inquire into the objection, and pass such order as may appear proper under the circumstances of the case.

5. [*Markets and fairs established prior to passing of Act.*] *Repealed by Act XII of 1876.*

Appeal.

6. Every order passed by a [a] District Magistrate [a] under [b] section 4 [b] shall, within six weeks, be open to appeal to the Commissioner [c], and the order of the Commissioner shall be final.

Penalty for
contravening,
disobeying or
opposing
order.

7. Every person who shall contravene, disobey or oppose any order duly made under this Act shall be liable to a fine not exceeding two hundred rupees, or, in default of payment, to imprisonment [c] for any period not exceeding two [c] months.

Extent.

8. This Act shall not extend to the Islands of Bombay and Kolāba.

Exemption of
religious
assemblages.

9. Nothing in this Act shall be held to apply to assemblages of people collected at, or concerned in, the inauguration of sacred edifices, or collected at, or concerned in, any other religious festivals or ceremonies not forming a part of a fair or market.

Saving of
general
powers of
Government.

10. Nothing in this Act shall be held to restrict the general powers of Government to control the orders of the [b] District Magistrate [b] or Commissioner [c] in regard to markets or fairs.

11. [*Meaning of "Magistrate."*] *Repealed by Bom. Act III of 1886.*

BOMBAY ACT No. V of 1862 [d].

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 24th April, 1862.*)

An Act for the preservation of the Bhāgdārī and Narwādārī Tenures.

Preamble.

WHEREAS it has been found that the permanence of the tenures known as the bhāgdārī and narwādārī tenures, which have existed from time immemorial in certain parts of the Presidency of Bombay, is endangered by the increasing

[a-a, b-b] These words were substituted for the original words by Bom. Act III of 1886.

[c] Words repealed by Bom. Act III of 1886 are omitted.

[d] Bom. Act V of 1862 has been declared not to be in force in the Pāñch Mahāls—see Act VII of 1885, s. 2, printed in Vol. I of this Code, p. 261.